

APPEAL, CONSOLIDATED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-12344-WGY**

Haag et al v. Murphy  
Assigned to: Judge William G. Young  
Cause: 28:2201 Declaratory Judgement

Date Filed: 11/04/2004  
Jury Demand: Plaintiff  
Nature of Suit: 870 Taxes  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**Robert Haag**

represented by **Timothy J. Burke**  
Burke & Associates  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Kathleen Haag**

represented by **Timothy J. Burke**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Superintendent Robert Murphy**

represented by **Alejandro L. Bertoldo**  
Department of Justice  
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**Defendant**

**John Keach**

represented by **Alejandro L. Bertoldo**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard C. Ambrow, Jr.**  
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*LEAD ATTORNEY*  
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**Defendant**

**Internal Revenue Service**

represented by **Richard C. Ambrow, Jr.**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Alejandro L. Bertoldo**  
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**Defendant**

**United States of America**

represented by **Richard C. Ambrow, Jr.**  
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**Alejandro L. Bertoldo**

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**Nathaniel J. Dorfman**

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Date Filed	#	Docket Text
11/04/2004	<a href="#"><u>1</u></a>	COMPLAINT against Internal Revenue Service, John Keach, Robert Murphy, United States of America Filing fee: \$ 150, receipt number 59834, filed by Kathleen Haag, Robert Haag. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Category Sheet) (Folan, Karen) (Entered: 11/09/2004)
11/04/2004	<a href="#"><u>2</u></a>	NOTICE of Appearance by Timothy J. Burke on behalf of Kathleen Haag, Robert Haag (Folan, Karen) (Entered: 11/23/2004)
11/04/2004	<a href="#"><u>3</u></a>	Summons Issued as to Internal Revenue Service, John Keach, Robert Murphy, United States of America. (Folan, Karen) (Entered: 12/29/2004)
01/10/2005	<a href="#"><u>3</u></a>	WAIVER OF SERVICE Returned Executed Internal Revenue Service waiver sent on 12/25/2004, answer due 2/23/2005; United States of America waiver sent on 12/25/2004, answer

		due 2/23/2005; Robert Murphy waiver sent on 12/25/2004, answer due 2/23/2005; John Keach waiver sent on 12/25/2004, answer due 2/23/2005. (Folan, Karen) (Entered: 01/18/2005)
02/11/2005	<a href="#"><u>24</u></a>	Assented to MOTION for Extension of Time to 3/16/2005 to File Answer re <u>1</u> Complaint, by Internal Revenue Service, United States of America.(Bertoldo, Alejandro) (Entered: 02/11/2005)
03/16/2005	<a href="#"><u>25</u></a>	ANSWER to Complaint by Internal Revenue Service, United States of America, Robert Murphy, John Keach.(Bertoldo, Alejandro) (Entered: 03/16/2005)
04/01/2005	<a href="#"><u>26</u></a>	JOINT STATEMENT re scheduling conference. (Bertoldo, Alejandro) (Entered: 04/01/2005)
04/01/2005	<a href="#"><u>27</u></a>	CERTIFICATE OF CONSULTATION by Alejandro L. Bertoldo on behalf of Internal Revenue Service, United States of America. (Attachments: # <u>1</u> Certificate of Service) (Bertoldo, Alejandro) (Entered: 04/01/2005)
05/13/2005	<a href="#"><u>28</u></a>	Judge Robert E. Keeton : Electronic ORDER entered granting <u>4</u> Motion for Extension of Time to Answer. (Folan, Karen) (Entered: 05/13/2005)
10/03/2005	<a href="#"><u>29</u></a>	MOTION to Amend <u>1</u> Complaint, by Robert Haag, Kathleen Haag.(Burke, Timothy) (Entered: 10/03/2005)
10/03/2005	<a href="#"><u>30</u></a>	AMENDED COMPLAINT ( <i>Link to Document No. 8</i> ) against all defendants, filed by Robert Haag, Kathleen Haag. (Attachments: # <u>1</u> Exhibit 1)(Burke, Timothy) (Entered: 10/03/2005)
10/27/2005	<a href="#"><u>31</u></a>	NOTICE of Appearance by Stephen J. Turanchik on behalf of United States of America (Turanchik, Stephen) (Entered: 10/27/2005)
11/28/2005	<a href="#"><u>32</u></a>	Judge Robert E. Keeton : MEMORANDUM AND ORDER entered granting <u>8</u> Motion to Amend complaint. Amended complaint can now be electronically filed in C.A. 02-12490. (Folan, Karen) (Entered: 11/28/2005)
02/22/2006	<a href="#"><u>33</u></a>	ELECTRONIC NOTICE OF RESCHEDULING MOTION HEARING.The Motion Hearing originally scheduled for 3/1/2006 at 11:00 AM is reset to 3/22/2006 11:00 AM in Courtroom 3 before Senior Judge Robert E. Keeton. (Filo, Jennifer) (Entered: 02/22/2006)



03/21/2006	●12	Assented to MOTION to Continue Hearing by Robert Haag, Kathleen Haag.(Burke, Timothy) (Entered: 03/21/2006)
03/21/2006	●	Senior Judge Robert E. Keeton: Electronic ORDER entered granting 12 Assented to Motion to Continue Hearing. Motion hearing is rescheduled to 7/19/2006 at 11:00 AM before Senior Judge Keeton. (Filo, Jennifer) (Entered: 03/21/2006)
06/12/2006	●13	NOTICE of Appearance by Richard C. Ambrow, Jr on behalf of Internal Revenue Service, United States of America, Robert Murphy, John Keach (Ambrow, Richard) (Entered: 06/12/2006)
06/15/2006	●	ELECTRONIC NOTICE of Reassignment. Judge William G. Young added. Judge Robert E. Keeton no longer assigned to case. From this date forward the case number on all pleadings should be followed by the initials WGY. (Folan, Karen) (Entered: 06/15/2006)
06/16/2006	●	ELECTRONIC NOTICE of Hearing : Scheduling Conference set for 7/10/2006 02:30 PM in Courtroom 18 before Judge William G. Young. (Smith, Bonnie) (Entered: 06/16/2006)
07/10/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Scheduling Conference held on 7/10/2006. Pltf counsel Burke and Dft counsel Ambrow present. Counsel inform court that this case is consolidated with CA 02-12490 in which there are 4 pending motions. Court sets for hearing the 4 motions now pending in 02-12490...Motion to Dismiss, Motion to Enforce Settlement, Motion to Disqualify, Motion for Summary Judgment. Final Pretrial Conference set for NO SOONER THAN 9/5/2006 02:00 PM before Judge William G. Young. Jury Trial set for RUNNING TRIAL LIST AS OF 10/2/2006 09:00 AM before Judge William G. Young. MOTION HEARING SET FOR JULY 31, 2006 AT 2PM.(Court Reporter Womack.) (Smith, Bonnie) (Entered: 07/12/2006)
07/17/2006	●14	Judge William G. Young : ORDER entered: ORDER As to Pending Motions in Cases 02cv12490-WGY and 04-12344-WGY. (Paine, Matthew) (Entered: 07/17/2006)
07/24/2006	●15	TRANSCRIPT of Motion Hearing held on December 15, 2005 before Judge Keeton. Court Reporter: Marie L. Cloonan. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court

		reporter at 617/439-7086 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/24/2006)
07/26/2006	●16	Plaintiff's MEMORANDUM in Support of Their Argument That Notice Was Not Given, by Robert Haag and Kathleen Haag. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Transcript - December 2005# <u>5</u> June Deposition# <u>6</u> Docket - December)(Paine, Matthew) (Entered: 07/26/2006)
07/30/2006	●17	NOTICE of Appearance by Nathaniel J. Dorfman on behalf of United States of America (Dorfman, Nathaniel) (Entered: 07/30/2006)
07/31/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Hearing re Motion to Dismiss/Summary Judgment held on 7/31/2006. After the hearing the Court Denies the Motion to Dismiss and enters Judgment for the United States. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 08/01/2006)
08/01/2006	●18	Judge William G. Young : ORDER entered. JUDGMENT in favor of Defendant against Plaintiff(Smith, Bonnie) (Entered: 08/01/2006)
08/08/2006	●20	NOTICE OF APPEAL as to <u>18</u> Judgment by Robert Haag, Kathleen Haag. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/28/2006. (Diskes, Sheila) (Entered: 08/24/2006)
08/10/2006	●19	TRANSCRIPT of Proceedings held on 7/31/06 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at <a href="mailto:womack@megatran.com">womack@megatran.com</a> or the Clerk's Office. (Smith, Bonnie) (Entered: 08/10/2006)